

REMARKS/ARGUMENTS

This paper is responsive to the Office Action dated October 29, 2004, having a shortened statutory period expiring on January 29, 2005, wherein:

Claims 1-43 and 70-82 were pending in the application;

Claims 1-15, 17-27, 29-43, and 70-82 were rejected; and

Claims 16 and 28 were objected to as being dependent upon rejected base claims but being otherwise allowable if rewritten in independent form including all of the limitations of their respective base claims and any intervening claims.

Claims 1, 2, 5-7, 10, 11, 14-22, 25, 27, 31, 33, 37-43, 70, 72, and 76-82 have been amended; claims 8 and 9 have been canceled without prejudice or disclaimer of the subject matter recited therein, and no new have been added by this amendment. Accordingly, claims 1-7, 10-43, and 70-82 are currently pending in the present application.

Formal Matters

Applicants acknowledge the Examiner's indication of allowability as to Applicants' previously presented claims 16 and 28. While Applicants have not elected to do so at this time, Applicants reserve the right to rewrite the indicated claims in independent format at a later date and wish to express their appreciation for the Examiner's indication of allowability.

Claim Objections

In the present Office Action, Applicants' claims 1, 31 and 70 were objected to as informal. More specifically, the present Action suggests that Applicants amend the indicated claims to substitute "hardware components" for "said resource" to avoid confusion with "a resource" previously recited in Applicants' claims. Applicants respectfully disagree and submit that all pending claims as submitted herein are sufficiently clear. With regard to the claims in question (e.g., Applicants' claim 1) a "resource control block" is claimed which corresponds to a resource within a communication system and maintains information about that/the resource. Accordingly the indicated claims recite only one resource referenced clearly within multiple elements. Applicants therefore respectfully submit that the Examiner's objection with respect to these claims is overcome and should be withdrawn.

In the present Office Action, Applicants' claims 5 and 9 were objected to as reciting duplicate subject matter. In accordance with the Examiner's objection, Applicants have canceled claim 9 without prejudice or disclaimer of the subject matter recited therein and respectfully submit that the Examiner's objection with respect to these claims is overcome and should be withdrawn.

Rejection of Claims under 35 U.S.C. §112

In the present Office Action, claims 7, 10, 12, 13, 15, 16, 19-30, 27, 38 and 77 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In accordance with the Examiner's rejection, Applicants have amended claims 7, 10, 15, 19, 27, 38, and 77 and respectfully submit that all pending claims, as amended herein, are sufficiently clear for purposes of 35 U.S.C. § 112. Applicants therefore respectfully submit that the Examiner's rejections with respect to these claims are overcome and should be withdrawn.

Rejection of Claims under 35 U.S.C. §102

In the present Office Action, claims 1-14, 17-26, 29-37, 39-43, 70, 71, 73-76, and 78-82 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,361,347, issued to Glider, et al. (hereinafter "*Glider*"). While not conceding that the Examiner's cited reference qualifies as prior art, but instead to expedite prosecution, Applicant has elected to overcome-in part and in part traverse the Examiner's rejections as follows. The following arguments are made without prejudice to Applicant's right to establish, for example in a continuing application, that one or more of the Examiner's cited references do not qualify as prior art with respect to an invention embodiment currently or subsequently claimed.

A *prima facie* case of anticipation requires that the Examiner show a single reference that teaches or enables each of Applicants' claimed elements, arranged as in the rejected claim, expressly or inherently, as interpreted by one of ordinary skill in the relevant art. Moreover, as per 37 C.F.R. §1.104(c)(2), the Examiner is required to indicate the particular part relied upon as nearly as practicable, "When a reference is complex or shows or describes inventions other than that claimed by the applicant."

With regard to Applicants' claim 6 as previously presented the Examiner states that *Glider* teaches in Fig. 2

The resource control block 200 comprises a resource type (see col. 7, lines 1-10), unique name of resource 201 (resource ID), state of resource 203 (status of resource). See col. 4, lines 20-25. The unique name of resource an index in a table of pointers indicating resource location in hierarchy (resource identifier serves as an index in table of pointers pointing to one of resource control block). See col. 6, lines 65-70. The resources are arranged in level, for example from parent resource to peer resource and child resource (resources arranged in hierarchy levels). See col. 6, lines 58-70.

Applicants respectfully submit that the current Office Action fails to indicate however that *Glider* teaches a resource manager configured to assign an identifier to a resource control block as previously or currently claimed (Applicants' claim 1 as amended herein and Applicants' claim 6 as previously presented). Moreover, presuming the current Office Action intended to indicate that the described element was taught by *Glider*, there is no indication within the present Office Action where such a teaching is provided within the Examiner's cited reference.

With regard to "a resource manager" as claimed, the present Office Action indicates dynamic storage controllers (DSCs) taught by *Glider* (see Office Action dated October 29, 2004, page 3, line 17). Field 201 of RCB 200 taught by *Glider* is indicated in the present Office Action as teaching an "identifier" as claimed by Applicants. Applicants respectfully submit however that the Examiner's indicated portions of *Glider* fail to indicate however how the content of field 201 (i.e., the "identifier" or "name") of an RCB is generated and therefore cannot be construed as teaching that an identifier 201 is "assigned" by or using a DSC.

Figure 2 of *Glider* teaches a resource control block (RCB) data structure describing a resource. According to the teaching of *Glider*,

The structure of the RCB differs for each kind of resource. All RCBs, however, have certain common components, as shown in FIG. 2: (1) an identifier or name 201 of the resource or RCB; (2) a field 203 indicating the availability state of the resource; and (3) a semaphore 202 (e.g., a one bit toggle) for locking or unlocking the resource. (*Glider*, column 4, lines 20-25)

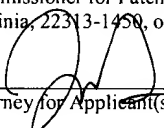
Glider further teaches (*Glider*, column 7, lines 1-10) under the title "Resource Type" that each resource includes a single resource or a collection of resources and is consequently categorized as either "simple" or "complex", respectively as well as a field 207 within RCB 200 used to indicate whether a described resource is simple or complex. *Glider* additionally teaches

a fault management subsystem employing a logical hierarchy of nodes including parent, child, and peer relationships (*Glider*, column 6, lines 58-70). Applicants respectfully submit that nowhere within the Examiner's cited portions does *Glider* teach how or by whom an identifier 201 is generated or assigned.


Consequently, Applicants submit that the present Office Action fails to state a prima facie case of anticipation with respect to Applicants' claim 1 as amended. Applicants' claims 18, 31, and 70 each contain one or more limitations substantially similar to those described herein with respect to claim 1 and, with all remaining claims depending directly or indirectly therefrom, are therefore allowable for at least those reasons stated for the allowability of that claim.

CONCLUSION

Applicant(s) submit that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

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| I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop <u>Amendment</u> , Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia, 22313-1450, on <u>12-1-04</u> . | |
|  Attorney for Applicant(s) | <u>12-1-04</u> Date of Signature |

Respectfully submitted,


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